

BUSINESS MEETING

Wednesday, July 29, 2020

U.S. House of Representatives,
Permanent Select Committee on Intelligence,
Washington, D.C.

The committee met, pursuant to call, at 11:08 a.m., in Room HVC-304, Capitol Visitor Center, the Honorable Adam B. Schiff (chairman of the committee) presiding.

Present: Representatives Schiff, Himes, Sewell, Carson, Quigley, Swalwell, Castro, Heck, Maloney, Demings, Krishnamoorthi, Nunes, Turner, Wenstrup, Stewart, Crawford, Stefanik, and Hurd.

Staff Present:



THE CHAIRMAN: Before we again, I want to remind all members that we are in open session, so members are advised to keep all discussions at the unclassified level.

After my opening statement and any remarks by the ranking member, we will vote to close the meeting and go into classified session to discuss Member access requests at issue.

Members are also advised that, pursuant to House rules adopted following the rise in the coronavirus disease, Members are required to wear masks in committee events lasting more than 15 minutes. I expect today's session to go beyond 15 minutes and, therefore, remind Members that for the safety of yourselves and those around you to please wear your masks at all times unless you are speaking.

In the summer of 2016, the country began to learn that the Russian Government and its intelligence services were engaged in an effort to undermine our elections and help influence the Presidential race in favor of Donald Trump. They launched a covert campaign to hack and dump publicly information meant to hurt the Democratic candidate and help the Republican candidate, and they used social media to great effect to sow discord in our society and shape our public discourse in favor of their chosen Presidential candidate.

Four years ago yesterday, I joined with Senator Feinstein to raise the alarm publicly about the Russian effort because I was concerned that the administration had not yet taken sufficient steps to warn the public about the threat posed to our elections.

I have the same concerns today that I did in 2016 -- that the Russians are

trying to interfere in the Presidential election and seeking to divide Americans. I believe today, as I did then, that any effort to interfere in elections must be deterred, disrupted, and exposed, because complacency will further erode the basic precept underlying our democracy, that Americans alone must decide American elections.

On July 13, I, along with Speaker Pelosi, Leader Schumer, and Vice Chair Warner, wrote a letter to FBI Director Wray requesting a defensive counterintelligence briefing to the entire Congress regarding foreign efforts to interfere in the 2020 Presidential election.

The letter highlighted our grave concern, and in particular that Congress appears to be the target of a concerted foreign interference campaign which seeks to launder and amplify disinformation in order to influence congressional activity, public debate, and the Presidential election in November.

We asked that the briefing take place before Congress is adjourned for the next recess, because this is an issue that cannot wait; and we attached to our letter a classified addendum to ensure a clear and unambiguous record of the serious and specific threats of concern.

ODNI has now offered to provide a general election-related intelligence briefing to all Members, a welcome development, but the FBI, the agency charged with briefing Members on specific counterintelligence threats, has yet to confirm that it will provide a defensive counterintelligence briefing to all House Members and Senators. We will continue to press for a specific defensive briefing.

I have also repeatedly called on the administration and Intelligence Community leaders to provide the public with specific and concrete information, consistent with the protection of sources and methods related to threats against

our elections. Unfortunately, last week's statement by ODNI did not provide sufficient information to the public to meaningfully prepare it against the tactics employed by our adversaries.

We will continue to make the case for a clear and detailed statement that fully alerts the public about the actors, goals, and specific activity that threaten our election between now and November.

In the absence of an FBI defensive briefing to the Congress, more than two dozen Members have requested access to the classified addendum, which addresses the concrete, specific, and alarming reporting that the congressional Intelligence Committees have seen regarding our elections.

As elected Members of Congress, it is our responsibility to be aware of foreign interference in our elections and to be prepared to defend against it, particularly as it affects this body.

To that end, today the committee will vote, pursuant to committee rule 14(f), to make available to any member of the full House, upon request, an in-camera review of the classified addendum to the July 13, 2020, letter that the Speaker, Democratic Leader, Vice Chair, and I sent to the FBI Director as part of our request for a defensive briefing to the Congress related to foreign interference.

This addendum, which quotes directly from a body of Intelligence Community products, has been available for review by all members of this committee since July 21, and I understand it has already been made available to Senators who do not sit on the Intelligence Committee.

I want to emphasize that this material is classified and not to be discussed in public. In order to review the material, Members will need to sign a nondisclosure agreement committing them in writing to maintain the secrecy of

what they read, and I urge Members to be faithful to that commitment and imperative. This committee is scrupulously committed to protecting sources and methods.

Because this information will not be made public, it is no substitute for action by the administration and the Intelligence Community to more fully brief the American people on what foreign powers may be doing to influence the election and do so in real time. We must not have another Presidential election marred by foreign interference when there was more we could do to prevent it, deter it, and expose it to the American people.

We will also consider a document access request from an off-committee Member related to a classified assessment submitted to the committee pursuant to the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for fiscal years 2018, 2019, and 2020.

I urge my colleagues to support the review of the classified elections interference addendum by all the Members of the House, upon request, and review of the specific report requested in the IAA to the Member who is seeking access.

I yield to the ranking member for any remarks he would like to make.

MR. NUNES: So, if I understand this correctly, we are going to vote on the addendum, or do we have anything else we are going to vote on today? Because the first we have seen this is now, and is there another vote today or just one?

THE CHAIRMAN: There are two Members -- well, there are two requests that we are voting on. The request, written request of four Members, but it is a request of, I think, close to 30 Members on the addendum.

MR. NUNES: Okay.

THE CHAIRMAN: And a second request by a single Member for a report that was requested in the IAA by Will Hurd and the second Member, off-committee Member, to review the Intelligence Committee report that was produced pursuant to their request.

MR. NUNES: Okay. Thanks for the clarification, because this is the first that we have heard about this.

So we oppose releasing this addendum to Members. Our rules, of course, allow for the majority to do this. But let's be clear, the document fails to clarify and ensure a clear record of the CI threats to the election.

This is designed to serve the Democrats' political purposes and continues an ongoing problem with the Democrats' politicization of intelligence. The entire goal here is not only to provide classified material to support the Democrats' agenda. That is why the addendum focuses entirely on Russia while ignoring potential election meddling by any other nations.

Our committee rules state that Members should specify the justification for the request and the need for access. The committee should also determine the likelihood of the information being directly or indirectly disclosed; in other words, the likelihood that it would be leaked.

This document contains extremely sensitive information that Democrats will leak if the document is made available to the full House. That is a fact, and that is the intent. In fact, some of this information may have already been leaked, a matter I hope the FBI is investigating.

The effort to disseminate this addendum is yet another transparent example of the Democrats' shameless politicization and weaponization of intelligence. It is irresponsible and unacceptable. And I urge my colleagues to oppose this motion.

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And I will just add before yielding back, although we haven't seen this other request, it seems like we will support the other request.

THE CHAIRMAN: I thank the gentleman. We will be happy to address the concerns that he raised when we go into closed session.

But I should point out for the members that we are responding to requests for information by Members regarding the addendum. We have not received a request for other information. If and when we do receive requests for other information concerning other countries or other issues, we will certainly be willing to consider those, in accordance with rule 14(f).

Before we engage in any further substantive discussion of the items, I move to close this meeting to the public, pursuant to rule 4(b) of this committee's rules of procedure and House Rule X, clause 11(d)(2), because disclosure of the matters to be discussed may endanger national security.

The clerk will call the role.

THE CLERK: Chairman Schiff?

THE CHAIRMAN: Aye.

THE CLERK: Mr. Himes?

MR. HIMES: Aye.

THE CLERK: Ms. Sewell?

MS. SEWELL: Aye.

THE CLERK: Mr. Carson?

MR. CARSON: Aye.

THE CLERK: Ms. Speier?

[No response.]

THE CLERK: Mr. Quigley?

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MR. QUIGLEY: Aye.

THE CLERK: Mr. Swalwell?

MR. SWALWELL: Aye.

THE CLERK: Mr. Castro?

MR. CASTRO: Aye.

THE CLERK: Mr. Heck?

MR. HECK: Aye.

THE CLERK: Mr. Welch?

[No response.]

THE CLERK: Mr. Maloney?

MR. MALONEY: Aye.

THE CLERK: Mrs. Demings.

MRS. DEMINGS: Aye.

THE CLERK: Mr. Krishnamoorthi?

MR. KRISHNAMOORTHY: Aye.

THE CLERK: Ranking Member Nunes?

MR. NUNES: No.

THE CLERK: Mr. Conaway?

[No response.]

THE CLERK: Mr. Turner?

MR. TURNER: No.

THE CLERK: Dr. Wenstrup?

DR. WENSTRUP: No.

THE CLERK: Mr. Stewart?

MR. STEWART: No.

THE CLERK: Mr. Crawford?

MR. CRAWFORD: No.

THE CLERK: Ms. Stefanik?

MS. STEFANIK: No.

THE CLERK: Mr. Hurd?

MR. HURD: No.

THE CLERK: Mr. Chairman, there are 11 ayes and 7 noes.

THE CHAIRMAN: The motion is carried, and we are now in closed session.

THE CHAIRMAN: We are now back in open session.

Pursuant to rule 14(f) of this committee's rules of procedure, the motion is to authorize all Members of the House of Representatives, upon request, to review the classified addendum to the July 13, 2020, letter from Speaker Pelosi, Democratic Leader Schumer, SSCI Vice Chairman Warner, and Chairman Schiff to FBI Director Wray considering foreign election interference.

All those in favor, say aye.

Those opposed, no.

The motion is agreed to, in the opinion of the chair.

MR. NUNES: I request a roll call vote.

THE CHAIRMAN: A roll call vote is requested. The clerk will call the roll.

THE CLERK: Chairman Schiff?

THE CHAIRMAN: Aye.

THE CLERK: Mr. Himes?

MR. HIMES: Aye.

THE CLERK: Ms. Sewell?

MS. SEWELL: Aye.

THE CLERK: Mr. Carson?

MR. CARSON: Aye.

THE CLERK: Ms. Speier?

[No response.]

THE CLERK: Mr. Quigley?

MR. QUIGLEY: Aye.

THE CLERK: Mr. Swalwell?

MR. SWALWELL: Aye.

THE CLERK: Mr. Castro?

MR. CASTRO: Aye.

THE CLERK: Mr. Heck?

MR. HECK: Aye.

THE CLERK: Mr. Welch?

[No response.]

THE CLERK: Mr. Maloney?

MR. MALONEY: Aye.

THE CLERK: Mrs. Demings.

MRS. DEMINGS: Aye.

THE CLERK: Mr. Krishnamoorthi?

MR. KRISHNAMOORTHY: Aye.

THE CLERK: Ranking Member Nunes?

MR. NUNES: No.

THE CLERK: Mr. Conaway?

[No response.]

THE CLERK: Mr. Turner?

MR. TURNER: No.

THE CLERK: Dr. Wenstrup?

DR. WENSTRUP: No.

THE CLERK: Mr. Stewart?

MR. STEWART: No.

THE CLERK: Mr. Crawford?

MR. CRAWFORD: No.

THE CLERK: Ms. Stefanik?

MS. STEFANIK: No.

THE CLERK: Mr. Hurd?

MR. HURD: No.

THE CLERK: Mr. Chairman, there are 11 ayes and 7 noes.

THE CHAIRMAN: The motion is agreed to.

We will now turn to the second and final motion, regarding Ms. Spanberger's request to view a classified assessment. I believe this matter requires no classified discussion and, thus, will keep my remarks at the unclassified level.

In short, Ms. Spanberger, a member of the Committee on Foreign Affairs, was a co-sponsor with Mr. Hurd of section 5522 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for fiscal years 2018, 2019, and 2020. That provision directed the Director of National Intelligence to prepare an assessment on issues related to the Northern Triangle and Mexico. The committee has received this document to which Ms. Spanberger has requested access.

It is my judgment that Ms. Spanberger's request meets the criteria set forth in rule 14(f) of the committee's rules of procedure regarding the requests by off-committee Members to view certain classified materials in the committee's possession. For all these reasons, I move, pursuant to committee rule 14(f), to grant Ms. Spanberger's request to view the assessment regarding the Northern Triangle and Mexico produced by the Director of National Intelligence.

Does the ranking member wish to be heard?

MR. NUNES: We are prepared to support the vote.

THE CHAIRMAN: I thank the gentleman.

All those in favor say aye.

All those opposed say no.

In the opinion of the chair, the ayes have it and the motion is agreed to and Ms. Spanberger is granted access.

Is there any further business before the committee?

Yes?

Mr. Maloney. Mr. Chairman, there have been public reports that the minority has received materials from Andrii Derkach, and those materials would not be classified and they would not be prohibited from disclosure. But, at a minimum, I also understand that majority staff has requested of the minority that they be shared with majority staff so that we might evaluate them independently.

And so my question, Mr. Chairman, is of the ranking member, whether he is prepared to disclose to the committee whether he has received materials that have been called into question in the public reports from Andrii Derkach and, if so, whether he is prepared to share them with the rest of the committee.

THE CHAIRMAN: Does the ranking member wish to respond?

MR. NUNES: No.

MR. MALONEY: Well, so, Mr. Chairman, for the record, I guess I would request an explanation from the ranking member why he is just not prepared to respond to a simple question whether he has received materials that have been called into question that seem designed to denigrate a former Vice President of the United States, but, at a minimum, to share them with the rest of the committee.

I mean, as I understand it, committee staff is in possession of evidence that a package was received. None of this is classified.

So is the ranking member prepared to even respond to the question? How about it, Mr. Nunes? Did you receive a package from Andrii Derkach or not? And would you share with the committee or not?

Well, I guess this is a case where silence speaks volumes.

Thank you, Mr. Chairman.

THE CHAIRMAN: I thank the gentleman.

No further business before the committee. The committee is adjourned.

[Whereupon, at 11:27 a.m., the committee was adjourned.]